

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

CHRISTOPHER A. JONES,
Plaintiff,
v.
DWIGHT NEVEN, et al.,
Defendant.

2:07-CV-1088 JCM (GWF)

Date: N/A
Time: N/A

ORDER

Presently before the court are the findings and recommendations of Magistrate Judge George Foley, Jr (doc. #181) regarding the plaintiff's motion to modify scheduling order (doc. #179). Plaintiff filed an objection (doc. #184) and defendants filed an opposition to the objection (doc. #193).

In the magistrate judge’s findings and recommendations (doc. #181), he recommends that the court deny plaintiff’s motion to modify scheduling order (doc. #179), because “the proposed amendment would be futile and subject to dismissal on the same grounds identified by the [c]ourt in its prior order of dismissal.” Specifically, the magistrate judge held that plaintiff is attempting to revive an already dismissed claim for medical negligence by the requested amendment, and that such amendment would be futile, as plaintiff has failed to provide the court with the necessary affidavit¹.

¹ For a claim of medical negligence, plaintiff must submit an affidavit by a qualified medical expert. NRS § 41A.071.

